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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: James C. Kennedy et al.
Title: Photochemotherapeutic Method using 5-Aminolevulinic Acid and Other Precursors of Endogenous Porphyrins
Appl. No.: 09/293,835
Filing Date: 04/19/1999
Examiner: S. Sharareh
Art Unit: 1617

AMENDMENT UNDER 37 C.F.R. § 1.116

Commissioner for Patents
Box NON-FEE AMENDMENT
Washington, D.C. 20231

Sir:

This communication is responsive to the Office Action dated September 12, 2002, concerning the above-referenced patent application. Please consider the following remarks in response to the Office Action.

REMARKS

I. INTRODUCTION

Receipt of the Office Action of September 12, 2002 is acknowledged. Claims 1, 15, 18-19, 24, 29-39, 41, 47 and 49-51 are pending in this application. Applicants appreciate that the Examiner has withdrawn the rejection based on obviousness type double patenting.

II. THE OFFICE ACTION

Rejections based on 35 U.S.C. § 103

The Examiner has maintained the rejection of claims 1, 15, 18-19, 24, 29-39, 41-47 and 49-51 under 35 U.S.C. § 103 as allegedly obvious over Richter et al. (U.S. Patent No.